(3)

C.S. 100/

In the Hon'ble High Court of C.G. at Bilaspur.

W.P. No. 5011 / 2005

Petitioner - Maheshwar lal Dewangan, aged 46 years.
S/o Ramchandra Dewangan,
Peon, C.G. Electricity Board,
Gurur, Tahsil Gurur, Distt. Durg (C.G.)

Versus

Respondents 1. C.G. State Electricity Board,
Thorugh- The Chairman,
Raipur (C.G.)

2. Chhatisgarh Electricity Board,
Through- The Executive Engineer,
SANDHARAN AWAM SANCHARAN DIVN.
Balod, Division, Distt_Durg (C.G.)

P.R. No. 30541/05
Presented by Shri R.S. Shyamlan
dated 22/9/05

Writ petition under Article 226/227 of constitution of India.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.5011 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.10.2005

W.P.No.5011/2005

Shri R.S.Shrivastava, counsel for the petitioner.

Heard.

The petitioner, who was working as Peon and was posted at Palari Distribution Centre and has been suspended vide order dated 24.2.2005(Annexure P-1), has challenged the validity of his suspension order passed by the Executive Engineer. Chhattisgarh State Electricity Board, Balod Division(C.G.).

The contention of learned counsel for the petitioner is that the principles of natural justice have not been complied before passing of the aforesaid suspension order. He also raises a point that while passing this suspension order, the respondent authority has fixed the headquarter of the petitioner at Balod whereas, the petitioner was residing at his working place Palari on the date of suspension.

Learned counsel for the petitioner refers to the decision rendered in the matter of ***Shyamsunder Doar vs. M.P. Rajya Krishi Vipnan Board*** reported in ***M.P.Weekly Notes (Note No. 41) page 60.*** He further submits that if the suspension order is passed during the pendency of departmental enquiry, headquarter should not ordinarily be changed.

I have gone through the contents of the petition and also perused the records filed alongwith the writ petition.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WP-5011/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

So far as the first point is concerned, in the opinion of this Court, the principles of natural justice by affording an opportunity of hearing before passing the order of suspension is not applied in case of suspension. This contention has no merit and the same cannot be entertained.

So far as the change of headquarter is concerned, it is on the authorities concerned, to look into all these matters. I am not inclined to interfere in this point also.

However, looking to the facts and circumstances of the case particularly, the circumstance that the petitioner is a low paid employee and the change of headquarter may put him into financial hardship. I grant liberty to the petitioner to file a representation before the concerned authority to change his headquarter and if the law permits, the concerned authority may consider the prayer of the petitioner in accordance with the rules.

With the above observations, the petition stands finally disposed of.

Certified copy as per rules.

Sd/-
SUNIL KUMAR SINHA
Judge

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